

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 2, 4, 7-9, 13 and 15-22 are pending in this application.

Claims 1-2, 4, 7-9, 13, 15, 17, 19, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al. (Published U.S. Application 2001/0021926) in view of Moskowitz (Published U.S. Application 2001/0010078). Claims 16, 18, 20, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck in view of Moskowitz and Kobata et al. (Published U.S. Application 2002/0077985).

In the present invention, the claimed apparatus is "connectable to the communication network at a location which is remote from the first terminal unit and the second terminal unit." (Claims 1, 8, 9, 13) Figure 1 shows the copyright licensing process promoting system 6 (i.e. the apparatus) is connected to the network 1 and is separate from the first and second terminal units 4A, 4B. Within this claimed apparatus is the "detecting means for accessing the first terminal unit of the first user by way of the communication network and for detecting at the first terminal unit a file of the literary work data to be transmitted from the first terminal unit to the communication network." (Claim 1; Claims 8, 9, and 13 contain similar limitations) Hence, the detecting means is also separate from the first and second terminal units. Further, the "detecting means being operable to detect the file at the first terminal unit before the file is transmitted to the communication network." (Claims 1, 8, 9, 13)

The Examiner contends Schneck meets the present invention's detecting means limitations. (Office Action page 3) However, Schneck controls distribution using an access mechanism 114 within either the user 104 (i.e. the first terminal unit) or the distributor 190 (i.e. the second terminal unit). (See Figures 9 and 15) Schneck does not disclose a separate detecting means "at a location which is remote from the first terminal unit and the second terminal unit" as required in the present invention. Hence, Applicants respectfully assert that Schneck, Moskowitz, and Kobata each fail to disclose an analogous detecting means as recited in the present claims. Accordingly, for at least this reason, Schneck Moskowitz and Kobata fail to obviate the present invention and the rejected claims should be allowed.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

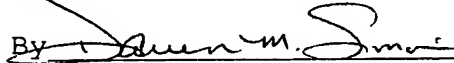
Application No.: 10/090,311

Docket No.: SONYJP 3.0-890

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

Dated: December 6, 2007

Respectfully submitted,

By 

Darren M. Simon

Registration No.: 47,946

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

816745_1.DOC